

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH EDWARD BERRY,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

No. C13-5149 RBL/KLS

ORDER DIRECTING SUBSTITUTION OF
PARTY

Mr. Berry has filed a petition for writ of habeas corpus naming the State of Washington as Respondent. ECF No. 1-1. The proper respondent to a habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). According to his petition, Mr. Berry is currently confined at the Airway Heights Correction Center in Airway Heights, Washington. The Superintendent of the Washington State Penitentiary is Maggie Miller-Stout.

Accordingly, the Clerk of Court is directed to substitute Maggie Miller-Stout as the Respondent in this action. The Clerk shall send copies of this Order to Petitioner and counsel for Respondent.

DATED this 11th day of March, 2013.



Karen L. Strombom
United States Magistrate Judge